

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

Mitchell S. Fineman, M.D. and Lucy Q. Fineman, h/w	:	
	:	
	:	
Plaintiffs,	:	CIVIL ACTION NO. 2:23-CV-02272
	:	
v.	:	
	:	
Trek Bicycle Corporation, Ltd., Electra Bicycle Company, Inc., Electra Bicycle Corporation, LLC, Trek Retail Corporation (d/b/a Trek Bicycle Philadelphia Manayunk), Beacon Stores, Inc., (d/b/a Beacon Cycling and/or Beacon Cycling & Fitness), Mitchell Rovins and Susanna Rovins (d/b/a Beacon Stores, Inc. (d/b/a Beacon Cycling and/or Beacon Cycling & Fitness), SRAM, LLC, John Doe(s) and Jane Doe(s), ABC Corporation and DEF, LLC, and Heng Ying Machinery Co., Ltd.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, on this _____, day of _____, 2023, upon consideration of Plaintiffs Mitchell and Lucy Fineman’s Motion to Remand, and the Response in Opposition thereto of Defendants, Trek Bicycle Corporation, Ltd., Trek Retail Corporation, Electra Bicycle Corporation, and SRAM, LLC and Cross-Motion for Sanctions, it is hereby ORDERED and DECREED that Plaintiffs’ Motion to Remand is DENIED.

It is FURTHER ORDERED that Defendants’ Cross-Motion for Sanctions is GRANTED. Plaintiffs, Mitchell and Lucy Fineman, are hereby SANCTIONED and must pay defendants, Trek Bicycle Corporation, Ltd., Trek Retail Corporation, Electra Bicycle Corporation, and

SRAM, LLC, costs and attorneys fees associated with filing their Response in Opposition to Plaintiffs' Motion to Remand.

BY THE COURT:

J.

states of Illinois and Delaware, both in its original Petition and in its Supplemental Memorandum with supporting Affidavit. Further, Defendant, SRAM, LLC, clearly consented to the removal because the removal petition was filed on its behalf and the petition expressly requests removal on behalf of SRAM, LLC. In this instance, diversity of citizenship exists between the parties, defendants' appropriately removed this matter, and plaintiffs' Motion to Remand should be denied.

II. LEGAL ARGUMENT

A. The Removal Petition Appropriately Pled the Diverse Citizenship of Each and Every Party and Established that Diversity Jurisdiction Exists and the Matter was Properly Removed

Plaintiffs' claim that defendants have failed to properly plead complete diversity is without merit. Complete diversity undoubtedly exists in the instant matter and Defendants' Petition for Removal is both substantively and procedurally sound. Indeed, despite plaintiffs claim, no where do they dispute or contest the accurate averment in the Removal Petition that Defendant, SRAM, LLC is a citizen of Illinois and Delaware, thus maintaining complete diversity. 28 U.S.C. § 1446(a), governing removal, requires removing defendants to file "a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal...." The requirement for a short and plain statement of the grounds for removal models the general pleading requirement of Federal Rule of Civil Procedure 8(a). Dart Cherokee Basin Operating, LLC v. Owens, 574 U.S. 81, 87 (2014).

The U.S. Supreme Court further elaborated:

The legislative history of § 1446(a) is corroborative. Congress, by borrowing the familiar "short and plain statement" standard from Rule 8(a), intended to 'simplify the 'pleading' requirements for removal' and to clarify that the courts should "apply the same liberal rules [to removal allegations] that are applied to other matters of pleading" H.R. Rep. No. 100-889, p. 71.

Dart Cherokee, 574 U.S. at 87. In Lincoln Ben. Life Co. v. AEI Life, LLC, 800 F. 3d 99, 103 (3d Cir. 2015), Plaintiff was a citizen of Nebraska and, in its Complaint, filed in Federal Court based upon diversity jurisdiction, averred that “based upon publically available information, none of the defendants is a citizen of Nebraska.” Id. The Court held that a plaintiff need not affirmatively allege the citizenship of each member of the LLC after reasonable investigation, but could simply allege that defendant was *not* a citizen of plaintiff’s state to survive a facial challenge to diversity jurisdiction. Id. at 107, 110. Similarly, in Lewis v. Rego, 757 F.2d 66 (3d Cir. 1985), three of four defendants were served with plaintiff’s complaint and promptly filed a petition for removal. The removal petition averred the citizenship of the three removing defendants and averred, as to the fourth defendant, that upon information and belief, only, that it was not a citizen of Pennsylvania, the state of Plaintiff’s citizenship; thereby averring complete diversity. Id. at 67-68. The Third Circuit held that the averments in the removal petition were sufficient to comply with the requirement to provide the court a short and plain statement of the facts supporting removal. Id. at 68-69. The instant matter is easier than the cases cited above because here, Defendants appropriately and accurately averred the citizenship of Defendant, SRAM, LLC, based upon the citizenship of its members, that “Defendant, SRAM, LLC, is a citizen of the states of Delaware and Illinois.” See Doc. 1, Removal Petition, ¶ 19.

Indeed, the case cited to and relied upon by plaintiffs, Johnson v. National Consolidation Services, LLC, while distinguishable, also serves to highlight the appropriate averments and subsequent documentation provided by defendants in the instant matter. 2013 WL 638600 (E.D. Pa. Feb. 21, 2013). In Johnson, Plaintiff, a Pennsylvania resident, filed suit against four Walgreens entities, one of which, Walgreen’s Distribution Center, Inc., plaintiff averred was a Pennsylvania corporation with a principal place of business in Pennsylvania. Id. at *1. Before the

Court was a second motion to remand in response to defendants second removal petition, after the Court granted plaintiff's first motion to remand. In discussing its reasoning behind the grant of the first motion for remand, the Court noted that, in its first removal petition, the Walgreens defendants merely averred "Defendant Walgreen's Distribution Center, Inc. does not exist as a corporate entity. Walgreen's Distribution Center is a physical facility located in Bethlehem Pennsylvania that is owned and operated by Walgreen Eastern Co., Inc." Id. The Court further relied on the fact that "[i]n its response to Mr. Johnson's [plaintiff's] initial motion to remand,...it did not support this claim through an affidavit or other evidence." Id. (emphasis added). The Walgreens Defendants only provided an Affidavit in support of its averments in support of a second petition for removal, after it had already lost plaintiff's first petition for remand, and over 120 days after it had been served with the original Complaint. Id. No such delay exists in this case.

Clearly, the factual scenarios in Johnson and the present matter are vastly different. In this instance, defendants appropriately and accurately averred the citizenship of defendant, SRAM, LLC, in their petition for removal. Further, unlike Johnson, there were no averments in the Complaint that Defendant, SRAM, LLC, was a citizen of Pennsylvania to facially cast doubt on complete diversity. Further, within thirty days of filing the petition, before SRAM, LLC was ever served, Defendant, SRAM, LLC, supplemented its petition with the below noted affidavit, which defendants now reattach to the instant response, setting forth the members of SRAM, LLC and their citizenships, establishing that, as originally pled, defendant, SRAM, LLC is a citizen of the states of Delaware and Illinois and complete diversity exists. See Exhibit 1, Affidavit. Defendants herein have done just as the Johnson Court indicated was lacking in that matter,

namely filing a supplemental affidavit in response to plaintiff's motion to remand to support the citizenship averments in the removal petition.

Defendants' original Petition for Removal avers the appropriate, necessary, and accurate short and plain statement upon which the grounds of removal lie. Defendants accurately averred, signed and verified pursuant to Federal Rule of Civil Procedure 1, that Defendant, SRAM, LLC was a citizen of the states of Illinois and Delaware. Plaintiff does not dispute or attempt to provide any evidence to contest this fact, as they cannot. Further highlighting the baseless nature of plaintiffs' argument, in further support of its accurate averments in the Removal Petition, thirty days after filing the Removal Petition, and before defendants had been served, moving defendants supplemented their petition with an Affidavit explicitly stating the members of SRAM, LLC and confirming that their citizenships were as pled in paragraph 19 in the original Petition for Removal. Specifically the Affidavit of Dan Powers, avers as follows:

1. I am familiar with the corporate structure of SRAM, LLC.
2. SRAM, LLC is a limited liability company 100% owned by member SRAM Holdings, LLC.
3. SRAM Holdings, LLC, is a limited liability company with two members, SRAM-SP2, Inc. and SRAM International Holdings, Inc.
4. SRAM-SP2, Inc. is a citizen of the states of Delaware and Illinois.
5. SRAM-SP2, Inc. is a Delaware Corporation with a principal place of business located at 1000 West Fulton Market, 4th Floor, Chicago, IL 60607.
6. SRAM International Holdings, Inc. is a citizen of the states of Delaware and Illinois.
7. SRAM International Holdings, Inc. is a Delaware Corporation with a principal place of business located at 1000 West Fulton Market, 4th Floor, Chicago, IL 60607.

See Exhibit 1, Affidavit of Dan Powers, previously attached at Exhibit 5 to Doc. 8. Because the original Petition for Removal complied with all requirements of 28 U.S.C. § 1446 and all defendants are diverse from the Plaintiffs, Mitchell and Lucy Fineman, diversity jurisdiction exists, the matter was properly removed, and plaintiffs' motion for remand should be denied.

B. Plaintiffs Claim that SRAM, LLC, One of the Defendants Who Filed the Petition for Removal, Did Not Consent to the Removal, Is Baseless and Frivolous

Plaintiff's claim that "[n]owhere in the body of the Petition for Removal does named defendant SRAM, LLC voice its consent to the removal of this civil action" is completely baseless and without merit as defendant, SRAM, LLC, was one of the five moving defendants who filed the Petition for Removal. It is clear that a Removal Petition signed by counsel for removing defendants is considered consent on behalf of all removing parties. As noted above, 28 U.S.C § 1446(a) states:

a defendant or defendants desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure...

(emphasis added). Federal Rule of Civil Procedure Rule 11(a) states "Signature. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented." As set forth above, the filing of a Petition for Removal, and the signature by defendants' attorney on that Petition, represents the defendants' consent to the removal. 28 U.S.C. § 1446(a). In McCreesh v. City of Philadelphia, 2020 WL 5017609 (E.D. Pa. Aug. 25, 2020) the Court denied Plaintiff's motion to remand, rejecting the claim that unanimity of consent was not obtained by removing defendant's assertion in its petition for removal that all defendants consented to removal. McCreesh, 2020 WL 5017609 at * 1. The filing defendant's consent was not disputed, as it filed the petition. Id.;

see also Ogletree v. Barnes, 851 F. Supp. 184, 187 (E.D. Pa. 1994)(it was not disputed that petition for removal, signed by counsel for six defendants, constituted consent on behalf of those filing defendants). Indeed, Judge Schiller, in holding that notice of consent was properly averred by the removing defendant on behalf of all non-filing co-defendants, noted that there are a myriad of ways to express consent to federal jurisdiction which do not require express written consent. Id. at *2-3. However, in this case, Defendant, SRAM, LLC, through its counsel, signing and filing the Petition for Removal on its behalf, clearly expressed consent for removal. Moreover, both the introduction and WHEREFORE clause contain an express statement of SRAM, LLC's request for removal to federal court.

The plain language of the statute and the case law indicates that defendants on whose behalves the Petition to Remove are filed are deemed to have consented to the removal. It is undisputed that Defendant, SRAM, LLC, was one of five defendants on whose behalf the Petition for Removal was signed and filed. See Doc. 1, Petition for Removal. Specifically, the Civil Cover Sheet to the Removal Petition lists the Defendants as "Trek Bicycle Corporation, LTD, Electra Bicycle Company, Inc., Trek Retail Corporation, and SRAM, LLC" and their counsel of Marshall Dennehey Warner Coleman and Goggin. See Exhibit 2, Civil Cover Sheet (emphasis added); see also Doc. 1. Further, the introductory paragraph of the Petition for Removal states:

Pursuant to 28 U.S.C. § 1441, Defendants, Trek Bicycle Corporation, LTD., Electra Bicycle Company, Inc., Electra Bicycle Corporation, LLC, Trek Retail Corporation, and SRAM, LLC, by and through their counsel, Marshall Dennehey Warner Coleman & Goggin, respectfully petition for the removal of this action to the United States District Court for the Eastern District of Pennsylvania. In support thereof, defendants aver as follows...

See Doc. 1, p. 1(emphasis added). The Petition to Remove further concludes:

WHEREFORE, petitioner, Trek Bicycle Corporation, LTD, Electra Bicycle Company, Inc., Electra Bicycle Corporation, LLC, Trek Retail Corporation and SRAM, LLC, respectfully requests that the above-captioned action be removed to the United States District Court for the Eastern District of Pennsylvania.

Id. (emphasis added). The petition in signed by John C. Farrell, Esquire, identified in the signature block as “Attorneys for Defendants, Trek Bicycle Corporation, LTD, Electra Bicycle Company, Inc., Electra Bicycle Corporation, LLC, Trek Retail Corporation, and SRAM, LLC.”

Id. (emphasis added). Clearly, the Petition was filed on behalf of SRAM, LLC and it clearly evidenced SRAM, LLC’s specific request for the matter to be removed to Federal Court.

Plaintiff’s claim in their Motion to Remand to the contrary is without basis in fact or law and is frivolous, patently untrue, and clearly meritless.

Further highlighting the frivolity of plaintiff’s assertions is the fact that Defendant, SRAM, LLC, as of the time of filing the Petition to Remand, had not been properly joined and served by plaintiffs and, therefore, its consent was not required. Lewis v. Rego, 757 F.2d 66, 68 (3d. Cir. 1985)(noting an exception to the rule of unanimity is that an out of state defendant need not consent if it has not yet been served at the time the removal petition is filed). Pennsylvania state rules permit service on defendant, SRAM, LLC, an out of state defendant, by mail as set forth in Pa. R.C.P. 403. Pa. R.C.P. 404(2). Pa. R.C.P. 403 states “if a rule of civil procedure authorizes original process to be served by mail, a copy of the process shall be mailed to the defendant by any form of mail requiring a receipt signed by the defendant or her authorized agent.” Finally, Pa. R.C.P. 405 Return of Service requires:

(c) Proof of service by mail under Rule 403 shall include a return receipt signed by the defendant, or, if the defendant has refused to accept mail service and the plaintiff thereafter has served the defendant by ordinary mail,

(1) the returned letter with the notation that the defendant refused to accept delivery, and

(2) an affidavit that the letter was mailed by ordinary mail and was not returned within fifteen days after mail.

Plaintiffs have not complied with any of these requirements and Defendants, SRAM, LLC were not properly served as of the June 14, 2023 filing of the Petition for Removal. Pa. R.C.P. 403-405; see also ANS Associates, Inc. v. Gotham Ins. Co., 42 A.3d 1074, 1076 (Pa. Super. 2012)(finding no evidence of proper service where Writ of Service did not evidence compliance with Rule 403, specifically mail requiring receipt signed by the defendant or an agent). As such, defendant, SRAM, LLC's consent was not technically required. However, SRAM, LLC's consent was clearly made, explicitly stated in both the introduction and WHEREFORE clauses of the petition and is implied by the fact the petition was filed by SRAM, LLC's attorney on its behalf. Plaintiffs' argument is frivolous, without merit, and their Motion to Remand should be denied.

C. Plaintiffs Should be Sanctioned Pursuant to F.R.C.P. Rule 11 for The Frivolous and Patently Untrue Allegations Which Serve as the Basis of Their Motion To Remand

Plaintiffs' frivolous and meritless arguments in their Motion to Remand should subject them to sanctions pursuant to Federal Rule of Civil Procedure Rule 11 for defendants' cost to prepare the instant response. Rule 11, in relevant part, states:

(b) Representations to the Court. By presenting to the court a pleading, written motion or other paper- whether by signing, filing, submitting, or later advocating it- an attorney or unrepresented party certified that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery

F.R.C.P. Rule 11(b)(1)-(3). Rule 11 sanctions are warranted when a filing is “frivolous, legally unreasonable, or without factual finding, even though the paper was not filed in subjective bad faith.” Leib v. Topstone Industries, Inc., 788 F.2d 151, 157 (3d. Cir. 1986)(quoting Zaldivar v. City of Los Angeles, 780 F.2d 823, 831 (9th Cir. 1986)). The test is one of objective reasonableness, not subjective good faith. Id. If “reasonable preparatory steps would have avoided those consequences [additional delay or expense], sanctions are appropriate. ‘There is no room for a pure heart, empty head defense under Rule 11.’” Id. (quoting Schwarzer, Sanctions Under the New Federal Rule 11- A Closer Look, 104 F.R.D. 181, 187 (1985)).

In Lundy v. Preston Trucking Co., 1988 WL 74879 (E.D. Pa. July 12, 1988), defendant removed Plaintiff’s Complaint on the basis of diversity jurisdiction, alleging defendant was a citizen of Maryland. Plaintiff’s motion for remand claimed that defendant had “substantial ties” to Pennsylvania, which the court read as plaintiff arguing that Defendant corporation was actually a citizen of Pennsylvania. First, the court denied the Motion to Remand because defendant had properly alleged that it was a citizen of Maryland because the principal place of business of its corporation was in Maryland. Defendant, however, further requested Sanctions under Rule 11 because plaintiff had made clearly erroneous and misleading claims to the court in its motion to remand. Specifically, the plaintiff incorrectly alleged that defendant was served with the Complaint on April 19, 1988, which was clearly erroneous as the Complaint itself was not filed until June 1, 1988 and a Writ of Summons, filed on April 19, 1988 was not served until May 3, 1988, at the earliest. The Court, in granting sanctions for the cost of preparing and filing a response to the Motion to Remand, held:

In the case *sub judice*, the conduct of plaintiff's counsel in including in his motion to remand an allegation that the underlying complaint was served on defendant on June 1, 1988 [sic] when it should have been obvious to counsel that the complaint was not even filed until June 1, 2988 was not only blatantly unreasonable and exceptional but indicative of bad faith or, at the very least negligence. This conduct combined with the obvious lack of merit to plaintiffs' motion to remand compels us to order counsel to pay [for the cost of defendant to prepare and file its Response]...

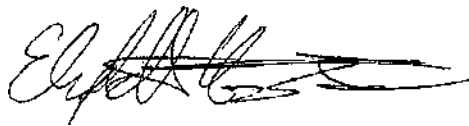
Lundy 1988 WL 74879 at 2(emphasis added). Here, just as in Lundy, plaintiffs' claims that: (1) defendants did not plead the citizenship of SRAM, LLC and; (2) SRAM, LLC did not consent to the removal, when it filed the removal petition, and expressly requested removal, are patently untrue and clearly meritless on their face. There is no legal or factual basis for the claims in Plaintiffs' Motion to Remand and, as such, Sanctions under Rule 11 are warranted and plaintiffs' should be sanctioned the defendants' costs and fees in preparing and filing the instant Response in Opposition to Plaintiff's Motion to Remand.

III. CONCLUSION

For the reasons stated herein, Defendants, Trek Bicycle Corporation, Ltd., Trek Retail Corporation, Electra Bicycle Corporation, and SRAM, LLC respectfully request that Plaintiffs, Mitchell and Lucy Fineman's Motion to Remand be denied. Defendants further request sanctions pursuant to Federal Rule of Civil Procedure Rule 11 be entered against plaintiffs for the costs and fees associated with preparing defendants' Response in Opposition to Plaintiffs' Motion to Remand.

**MARSHALL DENNEHEY WARNER
COLEMAN AND GOGGIN**

BY:



John C. Farrell, Esquire
Identification No.: 52824
Elizabeth A. Underwood, Esquire

Identification No.: 93802
Stephen E. Purcell, Esquire
Identification No.: 326252
2000 Market Street, Suite 2300
Philadelphia, PA 19103
215-575-2600
jcfarrell@mdwgc.com; eaunderwood@mdwgc.com; sepurcell@mdwgc.com

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA

Mitchell S. Fineman, M.D. and Lucy Q. Fineman, h/w	:	:
	:	Civil Action No. 2:23-cv-02272
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
Trek Bicycle Corporation, Ltd., Electra	:	
Bicycle Company, Inc., Electra Bicycle	:	
Corporation, LLC, Trek Retail Corporation	:	
(d/b/a Trek Bicycle Philadelphia Manayunk),	:	
Beacon Stores, Inc., (d/b/a Beacon Cycling	:	
and/or Beacon Cycling & Fitness), Mitchell	:	
Rovins and Susanna Rovins (d/b/a Beacon	:	
Stores, Inc. (d/b/a Beacon Cycling and/or	:	
Beacon Cycling & Fitness), SRAM, LLC,	:	
John Doe(s) and Jane Doe(s), ABC	:	
Corporation and DEF, LLC, and Heng Ying	:	
Machinery Co., Ltd.,	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, Elizabeth A. Underwood, Esquire, hereby certify that on this date a true and correct copy of the foregoing Response in Opposition of Defendants, Trek Bicycle Corporation, LTD, Trek Retail Corporation, Electra Bicycle Corporation and SRAM, LLC to the Motion to Remand of Plaintiffs, Mitchell and Lucy Fineman and Cross Motion for Sanctions was served on all counsel of record via electronic court notification.

MARSHALL DENNEHEY WARNER COLEMAN
AND GOGGIN

BY:



Elizabeth A. Underwood, Esquire

Date: 7/21/2023

EXHIBIT 1

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Mitchell S. Fineman, M.D. & Lucy Q. Fineman, h/w

(h) County of Residence of First Listed Plaintiff Montgomery County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Marc H. Perry, Esquire

Post & Schell

13th Floor, Four Penn Center, 1600 John F. Kennedy

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ U.S. Government
Plaintiff

☐ 3 Federal Question
(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

4 Diversity
(Indicate Citizenship of Parties in Item III)

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act				
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input checked="" type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))				
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability			<input type="checkbox"/> 400 State Reapportionment				
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust				
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking				
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	PERSONAL PROPERTY		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce				
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	LABOR	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation				
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations				
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)				
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 740 Railway Labor Act	SOCIAL SECURITY	<input type="checkbox"/> 485 Telephone Consumer Protection Act				
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 861 IIIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV				
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities Exchange				
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 890 Other Statutory Actions				
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:		<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 891 Agricultural Acts				
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters				
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence		FEDERAL TAX SUITS	<input type="checkbox"/> 895 Freedom of Information Act				
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 896 Arbitration				
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	IMMIGRATION	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act Review or Appeal of Agency Decision				
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:	<input type="checkbox"/> 462 Naturalization Application		<input type="checkbox"/> 950 Constitutionality of State Statutes				
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 465 Other Immigration Actions						

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1441

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND S

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S)
IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE _____

6/12/2023

SIGNATURE OF ATTORNEY OF RECORD

John C. Farrell

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG FUDGE

EXHIBIT 2


Mitchell S. Fineman, M.D. and Lucy Q. Fineman, h/w	:	IN THE COURT OF COMMON PLEAS
	:	OF PHILADELPHIA COUNTY
	:	
Plaintiffs,	:	No.: 230600934
	:	
v.	:	
	:	
Trek Bicycle Corporation, Ltd., Electra Bicycle Company, Inc., Electra Bicycle Corporation, LLC, Trek Retail Corporation (d/b/a Trek Bicycle Philadelphia Manayunk), Beacon Stores, Inc., (d/b/a Beacon Cycling and/or Beacon Cycling & Fitness), Mitchell Rovins and Susanna Rovins (d/b/a Beacon Stores, Inc. (d/b/a Beacon Cycling and/or Beacon Cycling & Fitness), SRAM, LLC, John Doe(s) and Jane Doe(s), ABC Corporation and DEF, LLC, and Heng Ying Machinery Co., Ltd.,	:	
	:	
Defendants.	:	

Affidavit of Dan Powers

1. I am familiar with the corporate structure of SRAM, LLC.
2. SRAM, LLC is a limited liability company 100% owned by member SRAM Holdings, LLC.
3. SRAM Holdings, LLC, is a limited liability company with two members, SRAM-SP2, Inc. and SRAM International Holdings, Inc.
4. SRAM-SP2, Inc. is a citizen of the states of Delaware and Illinois.
5. SRAM-SP2, Inc. is a Delaware Corporation with a principal place of business located at 1000 West Fulton Market, 4th Floor, Chicago, IL 60607.
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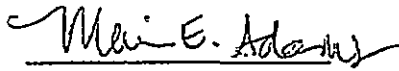
7. SRAM International Holdings, Inc. is a Delaware Corporation with a principal place of business located at 1000 West Fulton Market, 4th Floor, Chicago, IL 60607.

8. Finally, as counsel for SRAM filed the Petition for Removal on its behalf, SRAM clearly consents to the removal of this case to Federal Court.


Dan Powers

Sworn to and subscribed before me

this 14th day of JULY, 2023


Notary

